

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE INCREASING THE CITY MANAGER'S AUTHORITY TO NEGOTIATE AND EXECUTE CHANGE ORDERS THROUGH THE CITY-CONTROLLED PROGRAM RESERVE TO THE HENSEL PHELPS CONSTRUCTION COMPANY CONTRACT FROM \$67,165,000 TO AN AMOUNT NOT TO EXCEED \$84,862,000

WHEREAS, on October 17, 2006, the San Jose City Council ("Council") approved a contract with Hensel Phelps Construction Company ("Hensel Phelps") for the design and construction of the Airport Terminal Area Improvement Program ("TAIP"); and

WHEREAS, the City Manager has approved contract change orders in the amount of \$51,849,448, consistent with the terms of the contract, Council direction and City Manager authority; and

WHEREAS, Council also approved a City-Controlled Program Reserve for the TAIP, to provide for additions to the scope of the program, in an amount not to exceed \$67,165,000; and

WHEREAS, the proposed \$17,697,000 increase in the City Manager's contract authority reflects expenditures for baggage system enhancements, rain canopy and Terminal A building controls modernization, funding for which has already been authorized through previous Council action; and

WHEREAS, the proposed increase restores the City Manager's authority to the same funding level that existed prior to the baggage system enhancements and rain canopy addition; and

WHEREAS, the proposed increase would also allow the City Manager to negotiate and execute a change order for the Terminal A building controls without impacting the restored funding authority;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager's authority to negotiate and execute contract change orders through the City-Controlled Program Reserve to the Hensel Phelps Construction Company contract for design and construction of the Airport Terminal Area Improvement Program is increased from \$67,165,000 to an amount not to exceed \$84,862,000.

ADOPTED this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk